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In re Application of
YAMAZAKI et al.
Application No.: 09/555,629
PCT No.: PCT/JP98/05470
Int. Filing Date: 03 December 1998
Priority Date: 03 December 1997
Attorney Docket No.: 2520-0118P
For: PREPARATION FOR CONTINUOUS
INRAVENOUS ADMINISTRATION

DECISION

This decision is in response to applicants "Petition Under 37 C.F.R. §1.182" filed 22 January 2001. The petition fee of \$130.00 has been paid.

BACKGROUND

On 03 December 1998, applicants filed international application PCT/JP98/05470, which claimed a priority date of 03 December 1997. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 June 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 02 July 1999 prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 05 June 2000 (03 June 2000 being a Saturday).

On 02 June 2000, applicants filed in the USPTO a Transmittal Letter (Form PTO-1390) for entry into the national stage under 35 U.S.C. 371 accompanied by, *inter alia*, the Basic National Fee and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than 30 months from the priority date.

On 30 June 2000, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 31 July 2000, applicants submitted a "LETTER SUBMITTING ADDITIONAL DOCUMENTS FOR ENTERING NATIONAL PHASE FOR A PCT APPLICATION" including, *inter alia*, an executed declaration.

On 22 December 2000, the USPTO mailed a NOTIFICATION OF A DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration submitted 30 July 2000 was not in compliance with 37 CFR 1.497(a)-(b) because the declaration was not properly executed and did not properly identify the inventor Ikue Mori (the declaration identified and was signed by Ikue KUDO while the published international application lists Ikue MORI as the inventor).

On 22 January 2001, applicants submitted the instant "Petition Under 37 C.F.R. §1.182" which was accompanied by an affidavit of Ikue KUDO.

DISCUSSION

MPEP 605.04(c), states in part:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . . The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Here, an inventor's name was changed from Ikue MORI to Ikue KUDO after the application was filed. A petition under 37 CFR 1.182 and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected has been submitted. The affidavit by Ikue KUDO submitted 22 January 2001 is accepted. The declaration executed by, *inter alia*, Ikue KUDO on 31 July 2000 is also accepted.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.182 is GRANTED.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including according the application a 35 U.S.C. 371(c) date of 31 July 2001.



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PCT Legal Affairs
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